

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas

FILED

UNITED STATES DISTRICT COURT

SEP 18 2015

for the

Southern District of Texas

Clerk of Court

United States of America)

v.)

1 Jose Guadalupe Alvarado-Vieyra)

YOB: 1994; Citizenship: Mexico)

2 Joel Romero-Vieyra)

YOB: 1991; Citizenship: Mexico)

Defendant(s)

Case No. M-15-1605-M

(Related: M-15-1610-M)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 16, 2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 U.S.C. § 1324(a)(1)(A)(v)(I); and

8 U.S.C. § 1324(a)(1)(A)(ii)

Offense Description

Knowing and in reckless disregard of the fact that individuals, who were
aliens, had come to entered and remained in the United States in violation of
law, did knowingly and intentionally conspire and agree with others to
transport, attempt to transport, move, and attempt to move said aliens, within
the United States by means of transportation or otherwise, in furtherance of
such violation of law;

This criminal complaint is based on these facts:

See Attachment "A"

☒ Continued on the attached sheet.

Complainant's signature

Sean Greene, HSI Special Agent

Printed name and title

OK to file TAT

Sworn to before me and signed in my presence.

Date: 09/18/2015

Judge's signature

City and state: McAllen, Texas

Dorina Ramos, U.S. Magistrate Judge

Printed name and title

ATTACHMENT "A"

On Wednesday September 16, 2015, Border Patrol agents (BPAs), Homeland Security Investigations special agents, and Hidalgo County Constable's Office (HCCO) deputies conducted surveillance and knock and talks at the following locations, which BPAs had previously identified as being utilized by an alien smuggling organization (ASO).

1. 809 South Minnesota Street, Apartment #2, Alton, Texas (hereinafter Location 1)
2. 4107 W Mile 17 ½ Road, Apartment # 7, Edinburg, Texas (hereinafter Location 2)
3. A brushy area FM 907 and Mile 17 ½ N, Edinburg, Texas (hereinafter Location 3)
4. 2608 Nava Street, Apartment #4, Edinburg, Texas (hereinafter Location 4)

On Wednesday September 16, 2015, at approximately 10:30 a.m., BPAs observed a white Chrysler Sebring, driven by a male subject later identified as Joel ROMERO-Vieyra (hereinafter ROMERO), depart Location 4. BPAs followed the vehicle and observed ROMERO travel to Location 3, where he dropped off two people. From Location 3, ROMERO then drove to Location 2. At Location 2, ROMERO was observed exiting the vehicle and entering the apartment. After approximately 10 minutes, ROMERO was observed leaving Location 2, and BPAs followed the subject to Location 1.

Once at Location 1, an unidentified female was observed exiting the apartment and entering the white Chrysler Sebring with ROMERO. Agents then followed ROMERO to a carwash located near the intersection of 23rd Street and Business 83 in McAllen, Texas. At approximately 1:30 p.m., at the carwash, the female was observed exiting the Sebring and entering a white Chevrolet Impala. ROMERO then departed the area while still under surveillance. BPAs coordinated with HCCO deputies to conduct a traffic stop of the Sebring. At the traffic stop, BPAs determined that ROMERO was a citizen of Mexico with no legal documents allowing him to remain in the United States. BPAs advised ROMERO of his Miranda Rights in the Spanish language. ROMERO waived those rights and agreed to answer questions. During a field interview, ROMERO told the BPAs that he was being paid to transport UDAs.

At approximately the same time as the aforementioned traffic stop, BPAs conducting surveillance at Location 2 observed a green over tan colored Chevrolet pickup depart that location. BPAs had previously identified the driver of that Chevrolet pickup as Jose Guadalupe ALVARADO-Vieyra (hereinafter ALVARADO).

During the post-Miranda interview, ROMERO told BPAs that he had transported two UDAs to Location 3. ROMERO also said that he had been to Location 2 and Location 1. ROMERO told BPAs that he resided at Location 2 and subsequently gave BPAs consent to search the apartment. The consensual search of Location 2 resulted in the discovery of Nicacio GUTIERREZ-Cambron within the apartment. BPAs conducted record checks of the subject's biographical data within Department of Homeland Security indices. The results of those checks indicated GUTIERREZ was a citizen of Mexico, who had previously been deported from the United States following a felony conviction for harboring UDAs. At the same time that the consensual search was

ATTACHMENT "A"

conducted at Location 2, BPAs conducted a search of Location 3. The search of Location 3 yielded the apprehension of 2 UDAs.

At approximately 3:00 p.m., BPAs observed the green over tan Chevy pickup arrive at Location 1, and BPAs observed the driver, ALVARADO, exit the vehicle and enter the apartment. About one hour later, ALVARADO exited the apartment and departed in the pickup.

BPAs followed ALVARADO and coordinated with HCCO to conduct a traffic stop. An HCCO deputy conducted a traffic stop on ALVARADO at the intersection of Conway Avenue and 6 Mile Line just north of Alton, Texas. At the traffic stop, BPAs determined ALVARADO was a citizen of Mexico with no legal documents allowing him to remain in the United States. BPAs advised ALVARADO of his Miranda Rights in the Spanish language. ALVARADO invoked his rights to an attorney. No further questions were asked and ALVARADO was placed under arrest for immigration violations.

Based on intelligence gathered, a knock and talk was conducted at Location 1. BPAs knocked on the door of the apartment and identified themselves as law enforcement. An individual answered the door and identified himself as Elmer De Jesus RENDEROS-Villalta (hereinafter RENDEROS), a citizen of El Salvador. While BPAs questioned RENDEROS, two females later identified as Iris Noemy GOMAR-Parada (hereinafter GOMAR) and Doris Elizabeth MEMBRENO-Alfaro (hereinafter MEMBRENO), both citizens of El Salvador, appeared from within the residence and exited the apartment. BPAs questioned the individuals as to their immigration status, and none were able to provide any legal documents nor had any claims to being legally present in the United States.

That same day a separate consensual search was conducted at Location 4. BPAs encountered three male subjects at that apartment when they exited the residence. BPAs questioned the individuals as to their immigration status, and none were able to provide any legal documents nor had any claims to being legally present in the United States.

Later that same day, at the Border Patrol station, ROMERO made the following post-Miranda non-verbatim statements. In summary, ROMERO stated that he had been working for the ASO for approximately one and a half months. ROMERO stated that he earned approximately \$600 to \$700 (USD) per month for transporting UDAs, taking food and water to UDAs, and at times staying with the UDAs in the apartments.

Material witness GOMAR informed agents that following her illegal entry into the United States on September 14, 2015, she had been transported to two different alien stash houses. BPAs showed GOMAR photographic lineup displays consisting of six persons with similar appearances. BPAs asked GOMAR if she recognized any of the individuals depicted in the photographs as being involved in the smuggling events that occurred September 16, 2015. GOMAR identified ROMERO as the driver of the vehicle that picked her up from an alien stash

ATTACHMENT "A"

house the previous day and drove her to Location 1, where she was harbored, along with other UDAs, until the date of her apprehension on September 16, 2015. In a separate photographic lineup, GOMAR identified ALVARADO, as an individual that arrived at Location 1 earlier that same day and stayed with the UDAs for approximately 30 minutes while he was overheard on the phone discussing plans to "walk" a group of 10 – 12 people the following day when the rain stopped.

Material witness MEMBRENO informed agents that following her illegal entry into the United States on September 14, 2015, she had been transported to two different alien stash houses. BPAs showed MEMBRENO photographic lineup displays consisting of six persons with similar appearances. BPAs asked MEMBRENO if she recognized any of the individuals depicted in the photographs as being involved in the smuggling events that occurred on September 16, 2015. MEMBRENO identified ROMERO as the driver of the vehicle that picked her up from an alien stash house the previous day and drove her to Location 1, where she was harbored, along with other UDAs, until the date of her apprehension on September 16, 2015. In a separate photographic lineup, MEMBRENO identified ALVARADO, as an individual that arrived at Location 1 earlier that same day in a green pickup truck and stayed with the UDAs for a while. During the time ALVARADO was at Location 1, MEMBRENO overheard him talking on the phone about moving more illegal immigrants the next morning.

Material witness Walter Aman ORELLANA-Bautista (hereinafter ORELLANA), a citizen of Guatemala with no legal documents to remain in the United States, informed agents that following his illegal entry into the United States on September 15, 2015, he was transported to an alien stash house. BPAs showed ORELLANA photographic lineups displays consisting of six persons with similar appearances. BPAs asked ORELLANA if he recognized any of the individuals depicted in the photographs as being involved in the smuggling events that occurred on September 16, 2015. ORELLANA identified ROMERO as the driver of the vehicle that picked him up from a store parking lot the night before and drove him to Location 1, where he was harbored, along with other UDAs, until the date of her apprehension on September 16, 2015. ORELLANA stated that while at Location 1, ROMERO provided food and water for him. ORELLANA further stated that ROMERO was the person that would make arrangements and prepare people at the stash house to be smuggled further north past the Falfurrias Checkpoint and onward to Houston, Texas.